

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT WILLIAM MAWSON, JR., :

Plaintiff : CIVIL ACTION NO. 3:12-2413

**v. : (MANNION, D.J.)
(CARLSON, M.J.)**

**ERIC GEORGE LAMOREAUX and :
CINDY LAMOREAUX,
Husband and Wife, :**

Defendants :

ORDER

Pending before the court is the *pro se* plaintiff's motion for leave to proceed *in forma pauperis*, (Doc. No. [3](#)), as well as the report and recommendation of United States Magistrate Judge Martin C. Carlson recommending that the plaintiff's motion for leave to proceed *in forma pauperis* be granted and the plaintiff's complaint be dismissed without prejudice to the plaintiff to correct the defects of the complaint, (Doc. No. [6](#)).

AND NOW, this 6th day of **February, 2013**, upon consideration of the report and recommendation of Judge Carlson and, following an independent review of the record, it appearing that the plaintiff has not objected to the judge's report and recommendation, and that there is no clear error¹ on the

¹For those sections of the Report and Recommendation to which no objection is made, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." [Fed. R. Civ. P. 72\(b\)](#), advisory committee notes; see *also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (2010)

(continued...)

face of the record,

IT IS HEREBY ORDERED that:

1. The report and recommendation of Judge Carlson, (**Doc. No. [6](#)**), is **ADOPTED**.
2. The plaintiff's motion for leave to proceed *in forma pauperis*, (**Doc. No. [3](#)**), is **GRANTED**.
3. The plaintiff's complaint, (**Doc. No. [1](#)**), is **DISMISSED WITHOUT PREJUDICE** to correct the defects of his complaint on or before **February 25, 2013**.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: February 6, 2013

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¹(...continued)
(citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31.